

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

JOHN GROSSI and LORI GROSSI,

Plaintiffs,

- against -

THE CITY OF NEW YORK, MICHAEL R.  
BLOOMBERG, *individually and in his official capacity*,  
PO MICHAEL RICE, *individually and in his official capacity*,  
PO JOHN DOE 1, *individually and in his official capacity*,  
PO JOHN DOE 2, *individually and in his official capacity*,  
STATEN ISLAND UNIVERSITY HOSPITAL,  
DR. JOHN DOE 3, *individually and in his official capacity*,  
and JANE DOE 1, *individually and in her official capacity*,

ORDER  
08-CV-1083 (RRM) (ALC)

Defendants.

-----X

MAUSKOPF, United States District Judge.

By Motion filed July 1, 2009 (Docket Entry No. 39), Defendants the City of New York, Michael R. Bloomberg, and Police Officer Michael Rice (collectively, the “City Defendants”) moved to dismiss Plaintiffs’ Amended Complaint in part pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). By Order entered July 15, 2009, this Court referred that motion to the assigned Magistrate Judge, the Honorable Andrew L. Carter, for a Report and Recommendation. On November 4, 2009, Judge Carter issued a Report and Recommendation (the “R&R”) that the City Defendants’ motion be granted. Judge Carter reminded the parties that, pursuant to Rule 72(b), any objection to the R&R was due within ten days. Neither party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that

the City Defendants' motion to dismiss the Amended Complaint in part is GRANTED.

Plaintiffs' First Cause of Action is DISMISSED, insofar as it relates to the landmark designation of Plaintiffs' property, for failure to state a claim on which relief may be granted. Plaintiffs' Second and Third Causes of Action are DISMISSED, insofar as they relate to the landmark designation of Plaintiffs' property, because they are unripe for adjudication and fail to state a claim on which relief may be granted. Plaintiffs' Fourth Cause of Action is DISMISSED, insofar as it relates to the landmark designation of Plaintiffs' property, because it is unripe for adjudication.

SO ORDERED.

Dated: Brooklyn, New York  
December 1, 2009

s/RRM

---

ROSLYNN R. MAUSKOPF  
United States District Judge